

**Here is a Checklist to Amend the Fireside Estates Restrictions
under Texas Property Code § 209.0041 (at 67% approval instead of 90%)**

Amendment Checklist (under Texas Property Code § 209.0041)

1. Prepare the Amendment Proposal¹

- Draft the exact amendment language you want.
- Make sure the amendment is clear, lawful, and formatted to insert into or replace existing restrictions.
- Identify the *specific* sections being amended (important for recording later).

2. Notice of Proposed Amendment (at least 30 days before voting)

- *The cost for the amendment process (mailing, copying, etc.) will be the responsibility of those proposing the amendment unless the proposed amendment is offered by the POA Committee, then the POA will cover the cost for the amendment process.*
- Send **written notice** of the proposed amendment to **every owner** by:
 - Regular mail **or** email **or** hand-delivery.
 - (Certified mail is not required, but highly recommended for proof.)

The notice must include:

- A **copy of the proposed amendment**.
- A **description of the effect** of the proposed change.
- The **date, time, and location** of any meeting (if you plan a meeting — optional but wise).
- Instructions about how to submit votes (ballot, proxy, meeting, etc.).

TIP: Keep copies of everything you send.

3. Hold an Information Meeting (optional but smart)

- (Not mandatory by law, but courts recommend it to show transparency.)
- Give owners a chance to discuss the amendment.
- You can do this in person, virtually, or both.

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4. Voting by Owners

- Owners must vote **in writing** (no verbal votes).
- Ballots must:
 - Clearly show the amendment text or title.
 - Offer "For" or "Against" choices.
 - Identify the property address or lot.
 - Be signed by the owner of record.

Need: Approval from **owners representing at least 67%** of the lots.

The owner must be listed on the Kaufman CAD website as the owner, or one of the owners, of the property. The names will be checked when the votes are counted.

5. Verify Votes and Record Results

- Tally the votes carefully.
- Document:
 - How many lots exist total.
 - How many owners voted "For" and "Against."
- You must have a written record of the results.

6. Prepare and File a Certification Document

- Prepare a **Certification of Amendment** that includes:
 - The full text of the amendment.
 - A statement that the amendment was adopted under Section 209.0041.
 - The number of lots approving the amendment.
 - Signed by an authorized representative (e.g., president of the Property Owners Committee or acting managing agent).
- **File the certification and the amendment** in the **Official Public Records of Kaufman County, Texas**.

7. Post-Recording Notice to Owners

- After filing, send a final **notice to all owners** informing them that the amendment is now officially adopted and recorded.
 - Include a copy of the recorded document.
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Summary of Deadlines

Step	Timeframe
Notice of Proposed Amendment	At least 30 days before vote deadline
Voting	After 30 days' notice
Record Amendment	Immediately after 67% approval
Notify Owners of Final Amendment	After recording

Extra Information related to amending Deed Restrictions for Fireside Estates

- We have 90 properties in Fireside Estates. 67% would require 61 property owners (representing 1 vote per property) to amend the Deed Restrictions.
 - All lot owners need to be contacted and included in the vote.
 - If lots are jointly owned (e.g., spouses), one signature suffices per our Deed Restrictions.
 - The POA Committee will keep copies of **every notice, ballot, and vote count** in case of legal challenge.
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Common Mistakes to Avoid

- Failing to give full 30 days' notice.
- Not sending the full text of the amendment with the notice.
- Failing to file in county records (amendment isn't effective until filed!).
- Counting "67% of voters" instead of "67% of ALL lots" (you need 67% of all owners, not just those who happen to vote).

SAMPLE LETTER TO PROPERTY OWWNERS

1. 30-Day Notice to Owners (Template)

Subject: Notice of Proposed Amendment to Fireside Estates Restrictions – Action Required

Dear [Owner Name],

Pursuant to Texas Property Code § 209.0041 and the Declaration of Restrictions for Fireside Estates, this letter serves as formal notice of a proposed amendment to the subdivision restrictions.

Proposed Amendment:

[Insert clear description of what is being changed — e.g., "Amend Section ____ to allow ____," or "Change a section from _____ to _____," etc.]

Effect of Amendment:

[Short paragraph explaining how it will affect owners — e.g., "This change would allow..." or "This change will require..."]

Voting Instructions:

You may vote either FOR or AGAINST the proposed amendment by completing the attached ballot and returning it as follows:

- **Return Deadline:** [Insert date — must be at least 30 days from today's notice]
- **Return Methods:**
 - Mail to: [Insert POA/committee address]
 - Email scanned copy to: [Insert email]
 - Deliver in person to: [Insert location]

Optional Meeting:

An informational meeting regarding this amendment will be held on [Date, Time, Location].

Please review the attached proposed amendment carefully. Your participation is important!

If you have any questions, contact [Contact Name] at [Phone Number] or [Email].

Sincerely,

[Your Name]

[Your Title, e.g., Chairperson, Property Owners Committee]

Fireside Estates

SAMPLE BALLOT

Ballot Form (Template)

Fireside Estates Subdivision

Owner Ballot for Proposed Amendment to Restrictions

Owner Name(s): _____

Lot Number(s) / Property Address(es): _____

Proposed Amendment:

[Attach the full amendment wording.]

Vote (check one):

☐ **FOR** the adoption of the proposed amendment.

☐ **AGAINST** the adoption of the proposed amendment.

Signature(s):

(Owner Signature)

(Owner Signature, if jointly owned) – *second signature is optional*

Date: _____

Return Instructions: [Insert mailing address, email, or hand-delivery instructions again.]

SAMPLE CIRTIFICATON OF AMENDMENT FOR COUNTY CLERK

Certification of Amendment (for Filing at County Clerk) (Template)

**CERTIFICATE OF AMENDMENT TO THE FIRESIDE ESTATES RESTRICTIONS
KAUFMAN COUNTY, TEXAS**

WHEREAS, the subdivision known as Fireside Estates is subject to certain restrictive covenants recorded under [original recording information — e.g., "Cabinet 2, Envelope 510, Plat Records, Kaufman County, Texas"];

WHEREAS, pursuant to Section 209.0041 of the Texas Property Code and Section F of the original restrictions, the undersigned certifies that the attached amendment to the subdivision restrictions was approved by the owners of not less than sixty-seven percent (67%) of the lots within Fireside Estates;

NOW, THEREFORE, the undersigned hereby certifies that:

1. The attached amendment was duly proposed, noticed, and voted upon according to the applicable provisions of the Texas Property Code and the Fireside Estates Declaration of Restrictions.
2. The amendment was approved by owners of not less than sixty-seven percent (67%) of all lots.
3. The amendment is hereby adopted and shall be effective upon filing in the Official Public Records of Kaufman County, Texas.

Executed on this ____ day of _____, 2025.

[Property Owners Committee or Association Name]

By: _____

[Name, Title — e.g., Chairperson]

STATE OF TEXAS §

COUNTY OF KAUFMAN §

Before me, the undersigned authority, on this day personally appeared [Name], known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes therein expressed, in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 2025.

Notary Public, State of Texas

Attached to Certification for Filing: Full clean copy of the amendment text you are adopting.